

~~in said central portion is at least about 10 percent less than the hole area per unit area percent of the two end portions.~~

REMARKS

This amendment is in response to the Final Office Action mailed August 13, 2003. Claims 1-24 remain in the application. Claims 1, 3, 5-7, 9 and 16-21 were allowed and 2-4, 8-15 and 21-24 were rejected under 35 USC 112, second paragraph. Applicant appreciates the Examiner pointing out why he believes certain words in the claims lacked antecedent basis. Applicant believes that the above amendments address all of the claim issues pointed out by the Examiner. Applicant respectfully requests that these amendments be entered and the claims allowed because:

- a) some reasons for the rejection are raised by the Examiner for the first time, such as end portion and mid or central portion.
- b) most amendments are to claim rejections presented for the first time by the Examiner based on the Examiner's interpretation of the new grounds of rejection that were made by the Board of Appeals,
- c) the Examiner seems to urge that Applicant's attorney should have known what all of the bases of the new rejection under 35 USC 112, second paragraph were, but Applicant made a good faith request to the Examiner for a telephone interview to discuss an unofficial amendment prior to filing the previous amendment to make sure at this late date that all of the Examiner's issues were known and addressed, but the Examiner insisted instead that Applicant proceed to file an official amendment first, which was done. In this amendment filed in April, 2003, Applicant again requested a telephone interview if the Examiner concluded that the amendment did not overcome the new rejection, but again the Examiner denied this request. Also note that the standard used by the Examiner now for lack of antecedent basis apparently

was not used previously, nor now, on allowed claims 3, 5 and others, thus necessitating amendment to those previously allowed claims now requests a,

- d) the current amendments put the claims in condition for allowance, or reduces the issues for another appeal, and
- e) this application has been pending now for more than 6 years, the Examiner and the Board of Appeals agree that the claims are, or would be, allowable if amended to meet the requirements of 35 USC 112 and Applicant believes that the currently amended claims meet all of the requirements of 35 USC 112.

The invention of the present claims involves the manipulation of the hole area in portions of a bushing screen, which screen is spaced above a tip plate in a fiberizing bushing. The purpose of the manipulation of the hole area is to address various problems, or needs thus improving the usefulness and productivity of bushings.

The Examiner rejected claims 2, 8-15, and 21-24 under 35 USC 112, second paragraph as being indefinite for various reasons. One of the reasons given was that various terms in the claims lack antecedent basis. Applicant notes that when applying the standard apparently now used by the Examiner for antecedent basis that amendment of some of the allowed claims also appeared appropriate. Applicant has thus amended claims 2-11 and 21-24 to address lack of antecedent bases and believes that all of the objected to words or phrases objected to by the Examiner have been properly addressed, although Applicant does not believe that using "the" instead of "a" causes a claim to be indefinite under 35 USC 112, second paragraph, in most instances. The MPEP suggests that lack of antecedent basis be used only in aggravated situations where the lack of antecedent basis makes the scope of the claim indeterminate. Applicant believes that the claims now are free of "lack of antecedent basis" and respectfully requests the Examiner to withdraw this rejection and allow all of the claims.

The Examiner also rejected claims 21-24 under 35 USC 112, second paragraph, urging that the term "channel position" is indefinite because its meaning is not readily apparent. This rejection is traversed because the term "channel position" is clearly defined in the specification as the two bushing positions in each bushing leg closest to the channel. Basis for this is as follows:

Page 1, second full paragraph, reads "In the manufacture of continuous fibers from a molten material like molten glass, the molten material is often generated by a tank furnace and distributed to a plurality of fiberizing bushings via one or more channels and one or more bushing legs connected to the channel(s). Each bushing leg comes off the channel at about 90 degrees and contains a plurality of bushings that are spaced apart. The molten material exiting the tank furnace into the channel(s) is much hotter than desired for fiberizing and the molten material entering the bushing legs is typically hotter than desired for fiberizing, particularly when the furnace is being run close to designed capacity". This latter underlined disclosure describes one of the needs that is satisfied by the present invention. Overall, this disclosure defines the channel as the means for distributing hot, molten glass from the melting tank to bushings in bushing legs that communicate with the channel, usually at right angles, each leg holding a plurality of fiberizing bushings that are spaced along the leg, things well known to those of ordinary skill in the art of making continuous fiber as acknowledged in Figure 1.

Page 2, first full paragraph, reads in part "often there is at least a streak of molten material in the flow that is significantly hotter than the molten material next to the walls of the channel. This hotter material has a lower viscosity than the cooler material next to the walls. When it enters the bushing, always in the first position next to the channel and sometimes in the second position of a bushing leg, (emphasis added) it flows through holes in a conventional screen in the bushing faster than the cooler material. This causes the temperature profile of the tip plate spaced below the screen to be non-uniform. When this happens, a generally central portion of the length of the bushing tip plate runs considerably hotter than the ends. This hotter central portion can be offset to the down stream end due to the velocity vector of the hotter stream of glass. The hot glass has a higher velocity down center of the bushing leg and down the orifices to the bushings than the colder glass next to the walls and bottom". This disclosure clearly points out that the problem caused by the hot streak of molten glass always affects the first bushing position next to the channel (i. e. the bushing position closest to the channel) and sometimes affects the second position of a bushing leg.

Page 2, second full paragraph, reads, "The first position in each of the legs, the positions next to the channel, are called channel positions. The channel position in each leg has the most glass passing over it than any of the remaining bushings in the leg, and the velocity of the molten glass passing over the channel positions can be significantly higher

than it is further down the leg. When hot glass dives into the orifices feeding the channel positions, it substantially increases the break rate of the bushing and also increases the variation of the fiber diameters of the fiber coming from the bushing due to the higher temperature gradient this condition causes across the tip plate". As mentioned in the previous paragraph, the first position, the position next to the channel, always is affected by the hot streak, and sometimes the hot streak also affects the second position. This paragraph defines the first position as a "channel position" and the previous paragraph discloses that sometimes the "second position" can also be a "channel position".

Whether or not the second position is also a channel position, i. e. affected detrimentally by the hot streak of molten glass, usually caused by flowing more hot glass down the channel than the channel can cool properly prior to the molten glass entering a bushing leg - see page 9, second full paragraph, which reads in part "Although the molten glass loses temperature as it runs through the channel 4, at least when pulling a furnace at or near the maximum rate, the temperature of the molten glass is still too hot for good fiberization. When this condition exists, the glass in the center of the flow tends to be the hottest and runs faster than the cooler glass closer to the walls and the bottom of the channel. This hottest glass tends to dive into the first, and sometimes the second, bushing positions 12 and 16 in the bushing legs". Again, this text, and bushing positions 12 and 16 shown in Figure 1 when read in the light of the earlier pointed out disclosure, clearly point out what is meant by "channel positions".

Page 3, second partial paragraph reads in part, "This discovery has led to bushings for the channel positions that allow fiberization in the channel positions with much improved efficiency, compared to using conventional bushings in these positions, and similar efficiency to other positions. This invention also reduces the fiber diameter variation of the fibers produced from the channel positions". This disclosure, in the Summary of the Invention section confirms that one use of the present invention is the improvement of efficiency and fiber diameter uniformity in the channel positions. The claimed invention also addresses other needs in other uses, but that is pointed out throughout the disclosure.

Applicant does not know why the Board of Appeals decision stated that "the meaning of various terms such as "channel positions" are not readily apparent from the specification" because the author of the Board Opinion did not point to any place where the disclosure made this term indefinite, and particularly in view of the disclosure pointed out above. However, Applicant believes that this disclosure discussed above, when read in the context of the other disclosure and with ordinary knowledge of the pertinent art,

clearly points out what is meant by "channel positions" and respectfully requests the Examiner to withdraw this rejection and allow all of the claims.

The Examiner also rejected the claims under 35 USC 112, second paragraph, as being indefinite, urging that the terms "mid or central portion" and "end portions" are of indefinite meaning. This is a new rejection because the Board of Appeals, taking the time and extra work to make a new ground of rejection, obviously did not consider these terms to be indefinite. The Examiner points to U.S. Pat. No. 5,935,291, Fig. 7, as an example of a complex pattern at the end of a bushing screen, but this patent is not prior art with respect to Applicant's claims. Also note that issued claims in this patent comprise a perforated plate having a "central region" and a "peripheral region". Applicant believes that "mid or central portion" is just as definite as "central region" and that "end portion" is just as definite as "peripheral region".

It is well established that 35 USC 112 does not require the claims to specify dimensions of elements of the invention unless the dimension is the novel feature, which is not the case here. Applicant disagrees with the Examiner's allegation that Applicant believes the end portion of the present invention is a "specific portion", i. e. a specific size and location. As disclosure points out in more than one place, such as the paragraph spanning pages 12 and 13 that in that example one end portion (50) of the inventive bushing screen can be of different dimensions than an opposite end portion (52) and an example is shown in Figure 6. The disclosure in the first full paragraph of page 4 describes the "end portions" as being on either side of the mid or central portion and Figure 6 and related text describes an end portion as being at or near an end of the screen. As to the "mid or center portion" such as 48 in the Figure 6 example, what is indefinite about this term. This portion of the screen contains the middle, the mid point, and the center of the bushing screen. What else would be reasonable to call this portion of the screen? Applicant believes that the terms "end portion" and "mid or central portion" when used to describe the present invention and when read in the light of the disclosure meets the requirements of 35 USC 112, second paragraph, and respectfully requests the Examiner to withdraw this rejection and to allow all of the claims.

Applicant's attorney believes that the above amended claims addresses all of the Board of Appeals' bases for rejection and the Examiners bases for rejection and are now in condition for allowance. If the Examiner believes that still further changes are needed, applicant's attorney again suggests a telephone interview and respectfully requests the

Examiner to call the number below to arrange a time suitable to the Examiner. Thank you.

Respectfully submitted,



Robert D. Touslee
Attorney for Applicants

Robert D. Touslee
Registration No. 34,032
(303-978-3927)